

REMARKS

Claims 1-5, 7-9, 11-13 and 17-19 are pending. The Examiner states that claims 9, 11, 12 and 17-19 are withdrawn as being drawn to a non-elected invention/species. However, in previous office actions, claims 7-8, were stated to be withdrawn as well. Thus, Applicants request clarification of the status of claims 7-8. Claim 1 has been amended to specify that n (the number of spacer molecules) is 0 or an integer of 1 to 5 and when n is an integer, p (the number of MRI detectable moieties) is 1, m (the number of nutrient molecules) ≥ 1 and n (the number of spacer molecules) $\leq m$ (the number of nutrient molecules). This amendment is supported throughout the specification, particularly at paragraphs 0035, 0040-0041, 0043 and 0070 and the Examples. In the event that claim 8 is not withdrawn, it has been amended to remove the language "and the like" and "organic molecule". No new matter has been added.

Response to Amendment/Argument

Applicants are grateful for the Examiner's withdrawal of all outstanding earlier rejections

New Grounds of Rejection Under 35 U.S.C. § 112, first paragraph

Claims 1-5, 7, 8 and 13 were rejected for allegedly failing to comply with the written description requirement. The Examiner states that the phrase 'wherein when n is not 0, $m \geq p$ and $n \leq m$ ' is not supported. Applicants assert that the cited phrase is fully supported in the specification and in full compliance with the written description requirement. However, solely to expedite prosecution, Applicants have amended claim 1 to recite that n (the number of spacer molecules) is 0 or an integer of 1 to 5 and when n is an integer, p (the number of MRI detectable moieties) is 1, m (the number of nutrient molecules) ≥ 1 and $n \leq m$. This amendment is supported throughout the specification, particularly at paragraphs 0035, 0040-0041, 0043, and 0070 and the Examples. Specifically, n is zero or an integer of 1 to 5 is supported at, for example paragraph 0035 and 0043, $p = 1$ is supported at, for example, paragraph 0040, $m \geq 1$ is supported by paragraph 0040, which states that when " $p=1, m>1, n=0$ or an integer $\leq m$ " and which states m , like p may also be 1: "typically the number of nutrient molecules will be ...even

more preferably up to 2". See also paragraph 0043 ("...and m is typically an integer from 1 to 5, preferably from 1 to 4, more preferably from 1 to 3, and even more preferably 1 or 2.") Additionally, this phrase is supported at both Examples 8 and 11 (where the number of nutrient molecules, m, is 1 and equals the number of detectable moieties, p) and Examples 1-7 and 9-10 (where in the number of nutrient molecules, m, is greater than the 1 detectable moiety p). Consequently, Applicants submit that the claims are in full compliance with the written description requirement and request withdrawal of this rejection.

New Grounds of Rejection Under 35 U.S.C. § 112, second paragraph

Claim 8 was rejected for alleged indefiniteness. However, as explained above, Applicants request clarification of the status of this claim. In case the claim is not deemed withdrawn, Applicants have amended the claim to delete the language "and the like" and "or an organic group". Thus, Applicants submit that this claim is definite and in full compliance with 35 U.S.C. § 112.

Rejoinder

Applicants are grateful for the Examiner's indication that the process and method of use claims (claims 9, 11 and 17) will be rejoined with the product claims once allowable subject matter is reached. Applicants will cancel the unexamined claims once the status of claims 7 and 8 are clarified.

Information Disclosure Statement

The Examiner states that several references listed on the 11/12/09 Information Disclosure Statement were not considered because Applicants allegedly failed to provide an English translation/equivalent. Applicants wish to point out the English translations/equivalents were in fact provided with the 11/12/09 IDS, as shown in Exhibits "A" and "B", which are copies of the efilng acknowledgement receipts of 11/12/09.

Exhibit "A" lists the English translations/equivalents of the various foreign language references at items 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14. Exhibits "A" and "B" indicate where both the foreign reference and its related English equivalent/translation can be found.

Thus, Applicants request that:

1. All of the references identified on the 11/12/09 Form PTO/SB/08A be made of record therein and appear among the "References Cited" on any patent to issue therefrom; and
2. The 11/12/09 Form PTO/SB/08A be appropriately initiated by the Examiner, and a copy of same be returned to Applicants' attorney.

Having addressed all outstanding rejections, Applicants submit that the presently pending claims are in condition for allowance. Applicants therefore request the speedy issuance of a notice of allowability.

No fee is believed to be necessary in connection with the filing of this Amendment and Response. However, if any additional fee is necessary, applicant hereby authorizes such fee to be charged to Deposit Account No. 50-2168.

Favorable action is respectfully requested.

Respectfully submitted,

Dated: February 24, 2010

/M. Caragh Noone, Reg. No. 37,197/

M. Caragh Noone, Reg. No. 37,197
Bracco Research USA Inc.
305 College Road East
Princeton, NJ 08540
Tel: (609) 514-2454
Fax: (609) 514-2446